IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 28 OF 2004

1. Mohammad Farooq Ali,
   Central Prison, Cherlapalli, and

2. Meerasb Koujalgi. ...Petitioners.

Versus

1. State of Goa, through P.P.,
   High Court of Bombay at Goa,
   Panaji Bench,

2. The Superintndent of Jails,
   Central Prison, Cherlapalli,
   Andhra Pradesh, and

3. State of Andhra Pradesh,
   through the Home Secretary,
   Andhra Pradesh. ...Respondents.

Mrs. A. A. Agni, Amicus Curiae.

Mr. S. N. Sardessai, Public Prosecutor for the respondent no.1.

CORAM : P . V. HARDAS &
N. A. BRITTO, JJ.

DATE : 23rd August, 2004.

ORAL JUDGMENT (Per Hardas, J.)

Rule. Rule made returnable forthwith. By consent heard forthwith. The grievance of the petitioner no.1 in this petition is that he is not produced before the IIIrd Assistant Sessions Judge, South Goa, Margao, in connection with Sessions Case No.51/2000 as the Government of Andhra Pradesh directed that the petitioner is not to be moved out of the State until the trial he is facing in Andhra Pradesh is complete.

2. We had appointed Mrs. A. A. Agni as Amicus Curiae on behalf of the petitioner. The learned Amicus Curiae has submitted that this Bench would

not have the territorial jurisdiction to decide the legality and the correctness of the order passed by the Andhra Pradesh Government. We are in agreement with the submission advanced by the learned Amicus Curiae and, therefore, according to us, the present petition would not be maintainable.

3 Accordingly, this petition is dismissed. The petitioner has a remedy of approaching the High Court at Andhra Pradesh for seeking necessary reliefs. Since the petitioner is in jail, a copy of this Order be communicated to the petitioner.

4. We wish to place on record our appreciation for the assistance rendered by Mrs. Agni, learned Amicus Curiae, appointed by us. The learned Amicus Curiae has stated that the she would not claim any fees and the fees payable to the learned counsel under the Legal Aid Scheme be credited to the Goa State Legal Service Authority Fund, account no.01100015711.

5. Petition dismissed. In the result, therefore, the Rule stands discharged with no order as to costs.

P. V. HARDAS, J.

N. A. BRITTO, J.